



ITW
DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nelson, et al.

Art Unit : 3629

Serial No. : 10/624,860

Examiner : Unknown

Filed : July 21, 2003

Title : BUSINESS SOLUTION MANAGEMENT (BSM)

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO ACCEPT FILING OF AN APPLICATION UNDER 37 CFR §1.47(a)

Applicant hereby petitions under 37 CFR §1.47(a) to accept the filing of the above-referenced application, for which one of several joint inventors refuses to join in the application.

Enclosed is 1) a check for \$130 in payment of the petition fee by a large entity as set forth in 37 CFR §1.17(h), 2) a copy of a signed declaration including all named inventors except for Charles Nelson, 3) a copy of documents indicating that application papers were mailed to Charles Nelson, and 4) a copy of a telephone record for conversations with Charles Nelson.

Applicant submits that the application should be accepted for filing because the conduct of the only non-signing inventor, Charles Nelson, constitutes a refusal under MPEP 409.03(d). His conduct constitutes a refusal because Charles Nelson has been presented with the application papers in several instances, has not returned a signed declaration, has been uncooperative in signing a declaration, and has stopped responding to messages.

Over the period of at least 10 months, a bona fide effort has been made to present application papers to Charles Nelson. On several instances, a copy of the application papers, including the specification (including the claims), figures, and a declaration were sent to the last

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

08/31/2004 HALI11 00000036 10624860

01 FC:1460

130.00 DP

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

8/25/04

Nancy Grant

NANCY GRANT

known address of Charles Nelson. On July 16, 2003 a copy was sent via FedEx to his last known address; on July 23, 2003 a copy was sent via FedEx to his last known address; and on April 23, 2004 a copy was sent via USPS to his last known address. Never was a response received from Charles Nelson.

On the following dates, voice mail messages were left for Charles Nelson, asking for Charles Nelson to sign a declaration: October 7, 2003; December 16, 2003; February 12, 2004; April 14, 2004; and April 23, 2004. In a few instances, contact had been made with Charles Nelson, however, even on those occasions, Charles Nelson did not agree to sign the declaration (see telephone log).

Thus, the pattern of conduct by Charles Nelson, including being presented with application papers, not signing a declaration, and not responding to numerous messages, constitutes a refusal and the application should be accepted for filing under 37 CFR 1.47(a).


In accordance with 37 CFR 1.47 Charles Nelson's address is submitted. Applicant submits that Charles Nelson's last known address is:

Charles Nelson
615 Terri Court
Gilroy, CA 95020

Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 8/25/2004



Joseph Juliano
Reg. No. 54,780

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099



Patent
Attorney's Docket No.: 14066-011001 / 2002P00234 US01

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled:

BUSINESS SOLUTION MANAGEMENT (BSM)

the specification of which:

☒ is attached hereto.

☐ was filed on _____.

☐ under Application No. _____

☒ with Express Mail No. EV 348187634 US (Application Number not yet known).

☐ was described and claimed in PCT International Application No. _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
60/397,320	July 19, 2002	Abandoned

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
-----------------	-------------	--------

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
---------	-----------------	-------------	------------------

Patent

Attorney's Docket No.: 14066-011001 / 2002P00234 US01

I hereby appoint all registered practitioners associated with Customer Number 32864 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to:


Customer Number 32864

Direct all telephone calls to ALEXANDER C. CHEN, Reg. No. 45,591, at telephone number (858) 678-5070.

☒ For Assigned Inventions: I understand that the purpose of making this appointment is to permit prosecution of patent applications for the above-identified invention for the benefit of my assignee, and that this appointment does not create an attorney-client relationship between me and these appointees.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: CLARIBEL CHAN

Inventor's Signature: 
Residence Address: 455 Grant Ave. #9, Palo Alto, CA 94306
Citizenship: United States
Post Office Address: 455 Grant Ave. #9, Palo Alto, CA 94306

Date: 7/17/03

Full Name of Inventor: DAVID CHENG HU

Inventor's Signature: _____
Residence Address: 160 Mira Street, Foster City, CA 94404
Citizenship: United States
Post Office Address: 160 Mira Street
Foster City, CA 94404

Date: _____

Full Name of Inventor: TIM LANDVOIGT

Inventor's Signature: _____
Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany
Citizenship: German
Post Office Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany

Date: _____

Full Name of Inventor: CHARLES NELSON

Inventor's Signature: _____
Residence Address: 615 Terri Court, Gilroy, CA 95020
Citizenship: United States
Post Office Address: 615 Terri Court, Gilroy, CA 95020

Date: _____

Full Name of Inventor: JAMES TARVER

Inventor's Signature: _____
Residence Address: 4034 Polonius Circle, Fremont, CA 94555
Citizenship: United States
Post Office Address: 4034 Polonius Circle, Fremont, CA 94555

Date: _____

10312010.doc

Patent
Attorney's Docket No.: 14066-011001 / 2002P00234 US01

I hereby appoint all registered practitioners associated with Customer Number 32864 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to:

Customer Number 32864

Direct all telephone calls to ALEXANDER C. CHEN, Reg. No. 45,591, at telephone number (858) 678-5070.

☒ For Assigned Inventions: I understand that the purpose of making this appointment is to permit prosecution of patent applications for the above-identified invention for the benefit of my assignee, and that this appointment does not create an attorney-client relationship between me and these appointees.


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: CLARIBEL CHEN

Inventor's Signature: _____
Residence Address: 455 Grant Ave #9, Palo Alto, CA 94306
Citizenship: United States
Post Office Address: 455 Grant Ave #9, Palo Alto, CA 94306

Date: _____

Full Name of Inventor: DAVID CHEN; HU

Inventor's Signature: 
Residence Address: 160 Mira Street Foster City, CA 94404
Citizenship: United States
Post Office Address: 160 Mira Street
Foster City, CA 94404

Date: 7/17/03

Full Name of Inventor: TIM LANDVOIT

Inventor's Signature: _____
Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany
Citizenship: German
Post Office Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany

Date: _____

Full Name of Inventor: CHARLES NELSON

Inventor's Signature: _____
Residence Address: 615 Terr Court Gilroy, CA 95020
Citizenship: United States
Post Office Address: 615 Terr Court Gilroy, CA 95020

Date: _____

Full Name of Inventor: JAMES TARVIER

Inventor's Signature: _____
Residence Address: 4034 Polonius Circle, Fremont, CA 94555
Citizenship: United States
Post Office Address: 4034 Polonius Circle, Fremont, CA 94555

Date: _____

10312010.doc

Patent

Attorney's Docket No.: 14066-011001 / 2002P00234 US01

I hereby appoint all registered practitioners associated with Customer Number 32864 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to:

Customer Number 32864

Direct all telephone calls to ALEXANDER C. CHEN, Reg. No. 45,591, at telephone number (858) 678-5070.

☒ For Assigned Inventions: I understand that the purpose of making this appointment is to permit prosecution of patent applications for the above-identified invention for the benefit of my assignee, and that this appointment does not create an attorney-client relationship between me and these appointees.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: CLARIBEL CHAN

Inventor's Signature: _____ Date: _____
Residence Address: 455 Grant Ave. #9, Palo Alto, CA 94306
Citizenship: United States
Post Office Address: 455 Grant Ave. #9, Palo Alto, CA 94306

Full Name of Inventor: DAVID CHENG HU

Inventor's Signature: _____ Date: _____
Residence Address: 160 Mira Street, Foster City, CA 94404
Citizenship: United States
Post Office Address: 160 Mira Street
Foster City, CA 94404

Full Name of Inventor: TIM LANDVOIGT

Inventor's Signature: Tim Landvoigt Date: 07/17/03
Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany
Citizenship: German
Post Office Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany

Full Name of Inventor: CHARLES NELSON

Inventor's Signature: _____ Date: _____
Residence Address: 615 Terr Court, Gilroy, CA 95020
Citizenship: United States
Post Office Address: 615 Terr Court, Gilroy, CA 95020

Full Name of Inventor: JAMES TARVER

Inventor's Signature: _____ Date: _____
Residence Address: 4034 Polonius Circle, Fremont, CA 94555
Citizenship: United States
Post Office Address: 4034 Polonius Circle, Fremont, CA 94555

10312010.doc

Patent

Attorney's Docket No.: 14066-011001 / 2002P00234 US01

I hereby appoint all registered practitioners associated with Customer Number 32864 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to:

Customer Number 32864

Direct all telephone calls to ALEXANDER C. CHEN, Reg. No. 45,591, at telephone number (858) 678-5070.

☒ For Assigned Inventions: I understand that the purpose of making this appointment is to permit prosecution of patent applications for the above-identified invention for the benefit of my assignee, and that this appointment does not create an attorney-client relationship between me and these appointees.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: CLARIBEL CHAN

Inventor's Signature: _____ Date: _____
Residence Address: 455 Grant Ave. #9, Palo Alto, CA 94306
Citizenship: United States
Post Office Address: 455 Grant Ave. #9, Palo Alto, CA 94306

Full Name of Inventor: DAVID CHENG HU

Inventor's Signature: _____ Date: _____
Residence Address: 160 Mira Street, Foster City, CA 94404
Citizenship: United States
Post Office Address: 160 Mira Street
Foster City, CA 94404

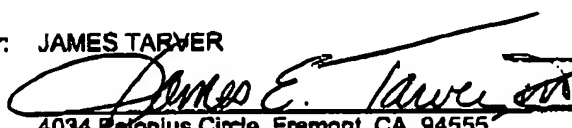
Full Name of Inventor: TIM LANDVOIGT

Inventor's Signature: _____ Date: _____
Residence Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany
Citizenship: German
Post Office Address: Vangerowstrasse 7A, 69115 Heidelberg, Germany

Full Name of Inventor: CHARLES NELSON

Inventor's Signature: _____ Date: _____
Residence Address: 615 Terri Court, Gilroy, CA 95020
Citizenship: United States
Post Office Address: 615 Terri Court, Gilroy, CA 95020

Full Name of Inventor: JAMES TARVER

Inventor's Signature:  Date: 07/18/2003
Residence Address: 4034 Polonius Circle, Fremont, CA 94555
Citizenship: United States
Post Office Address: 4034 Polonius Circle, Fremont, CA 94555

10312010.doc



FedEx USA Airbill
Express

FedEx Tracking Number

8286 4496 2080

1 From Please print and press hard. Date 7/23/2003 Sender's FedEx Account Number 1862-9913-2

Sender's Name Alex Chen Phone (858) 678-5070

Company FISH & RICHARDSON PC

Address 4350 LA JOLLA VILLAGE DR S500 Day/Floor/Suite/Room

City SAN DIEGO State CA ZIP 92122

2 Your Internal Billing Reference 14066-011001 TIONAL

3 To Recipient's Name Charles Nelson Phone (408) 710-1623

Company _____

Address 615 Terri Court We cannot deliver to P.O. boxes or P.O. ZIP codes.

City Gilroy State CA ZIP 95020 Day/Floor/Suite/Room

Peel and Stick FedEx USA Airbill

See back for application instructions.

Questions? Visit our Web site at fedex.com

or call 1-800-Go-FedEx® (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0183272009

BEST AVAILABLE COPY

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.



Sender's Copy

4a Express Package Service
Delivery commitment may be late in some areas.
☐ FedEx Priority Overnight Next business morning
☒ FedEx Standard Overnight Next business afternoon
☐ FedEx First Overnight delivery to select locations

☐ FedEx 2Day Second business day
☐ FedEx Express Saver Third business day
☐ NEW FedEx Extra Hours Late drop-off with next business day delivery to select locations
Packages over 150 lbs. Delivery commitment may be late in some areas.

4b Express Freight Service
☐ FedEx 1Day Freight* Next business day
☐ FedEx 2Day Freight Second business day
☐ FedEx 3Day Freight Third business day

* Call for Confirmation.
5 Packaging
☐ FedEx Envelope*
☒ FedEx Pak* Includes FedEx Box, FedEx Tube, and customer pkg.
Other Pkg. _____

6 Special Handling
☐ SATURDAY Delivery
☐ SUNDAY Delivery
☐ RESTRICTIONS
Available only for FedEx Priority Overnight to select ZIP codes.
Does this shipment contain dangerous goods?
☒ No ☐ Yes
One box must be checked. ☐ Dry Ice ☐ Dry Ice & UN 1845 ☐ Cargo Aircraft Only
Dangerous Goods (Fed. Dry Ice) cannot be shipped in FedEx packaging or with FedEx Extra Hours services.

7 Payment Bill to: ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check
Sender's Section I will bill.

FedEx Acct. No. _____
Credit Card No. _____
Total Packages _____ Total Weight _____ Total Declared Value* \$ _____
FedEx Use Only

8 Release Signature _____
By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

406

SFO-Haw, Date 12/00-Pst 41530185-©1994-2000 FedEx-PRINTED IN U.S.A.

FedEx[®] USA Airbill

Express

FedEx
Tracking
Number

8286 4495 9246

1 From *Please print and press hard.*
Date 7/16/2003 Sender's FedEx Account Number 1862-9913-2

Sender's Name Alex Chen Phone (858) 678-5070

Company FISH & RICHARDSON PC

Address 4350 LA JOLLA VILLAGE DR 5500 Dept./Room/Suite/Room

City SAN DIEGO State CA ZIP 92122

2 Your Internal Billing Reference 14066-01100 OPTIONAL
First 24 characters will appear on invoice.

3 To Recipient's Name Charles Nelson Phone (408) 710-1623

Company
Address 615 Terri Court
We cannot deliver to P.O. boxes or P.O. ZIP codes.

City Gilroy State CA ZIP 95020 Dept./Room/Suite/Room

Peel and Stick FedEx USA Airbill
See back for application instructions.

Questions? Visit our Web site at fedex.com
or call 1-800-Go-FedEx[®] (800)463-3339.

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0183272009

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE.

Sanitex Corp

Packages up to 150 lbs.

Delivery commitment may be later in some areas.

FedEx First Overnight

Next business morning

Next business afternoon

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

4a Express Package Service

FedEx Priority Overnight

Next business morning

Next business afternoon

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

4b Express Freight Service

FedEx 1Day Freight*

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

Next business day

5 Packaging

FedEx Pak*

Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak

Other Pkg.

Includes FedEx Box, FedEx Tube, and Custom Pkg.

* Declared value limit \$200

6 Special Handling

SATURDAY Delivery

Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

RESTRICTIONS

Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

Include FedEx address in Section 3.

HOLD Weekday

at FedEx location

RESTRICTIONS

Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

HOLD Saturday

at FedEx location

RESTRICTIONS

Available only for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

Does this shipment contain dangerous goods?

One box must be checked.

No

Yes

As per attached Shipper's Declaration

Dangerous Goods (incl. Dry Ice) cannot be shipped in FedEx packaging or with FedEx Extra Hours service.

Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender

Recipient

Third Party

Credit Card

Cash/Check

FedEx Acct. No.

Credit Card No.

Exp. Date

Total Packages

Total Weight

Total Declared Value*

\$.00

FedEx Use Only

* Your liability is limited to \$100 unless you declare a higher value. See back for details.

8 Release Signature


For recipient pickup without obtaining signature

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

SPR-1 Rev. Date 12/00-Per #1559185-©1994-2000 FedEx-PRINTED IN U.S.A.

406



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Robin W. Nelson</u> C. Date of Delivery <u>8/1/04</u></p>
<p>1. Article Addressed to:</p> <p><u>CHARLES NELSON</u> <u>615 TERRI COURT</u> <u>GILROY, CA 95020</u></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7001 2510 0001 5177 0157</u></p>	
<p>PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-2509</p>	

Telephone Memo Record



→ 10 yrs. w/SAP

From: CHUCK NELSON, To: 12/16/03

Date: 9/25/03 THURS./10/7/03 File No: 14066-011001

Phone # Dialed: 408-710-1623

Re:

DOCUMENTS

GIVE A FEW DAYS

Notes

① - DECLARATION -

② - ASSIGNMENT -

CHUCK
- CREATED CONCEPT; WHOLE CONCEPT;

10/07 - VMAIL

12/16/03 - VMAIL

WORKING w/ STARTUP SWAPPED
2/12/04. APOLOGIZE → DON'T MEAN TO STEAL FROM
DECL. ASSIGN. → SEND SAME

CNELSON4RESULTS@aol.com

→ BREATHING SPACE NEXT WEEK WEEK

→ WED. MEET w/ ATTN & DIALBE SIGN FORMS

4/14/04, 1105 AM
call Chuck,
VMM on
cell phone

to be Taken

1207 pmo 4/23/2004

VMM by JET

→ asky he
call us
back in either
case